IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 36444 of 2007(S)

PETITIONER:

S.S.SIMMILAL,
ADVOCATE,
AGED 36 YEARS, S/O.LATE SREEVALSAN.N.,
GENERAL SECRETARY,
YOUTH CONGRESS CHATHANOOR BLOCK COMMITTEE,
KOLLAM,
SIVADEEPAM,
PARIPALLY, KOLLAM.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:
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1. STATE OF KERALA,
   REP. BY THE CHIEF SECRETARY,
   KERALA GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE SECRETARY,
   DEPARTMENT OF HOME,
   KERALA GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

3. DIRECTOR GENERAL OF POLICE,
   POLICE HEAD QUARTERS,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.M.P.SREEKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.M.JOSEPH, J.

W.P.(C) No.36444 of 2007-S

Dated, this the 10th day of December, 2007

JUDGMENT

H.L.Dattu, C.J.

The petitioner is a practicing Advocate and also the General Secretary of Youth Congress, Chathannoor Block Committee, Kollam.

(2). In this petition filed under Article 226 of the Constitution, petitioner requests this Court to direct the first respondent to drop all steps taken by it to withdraw the criminal cases against certain persons alone particularly cases mentioned in para 3 of the writ petition.

(3). On an earlier occasion, the petitioner was before this Court in W.P.(C) No.18527 of 2006. This Court by its order dated 14th July, 2006 had rejected the writ petition on the ground that the petitioner had failed to produce necessary materials in support of the assertions and allegations made in the writ petition.

(4). Now, a statement is filed by the petitioner bringing to the notice of the Court that certain cases have been identified by the first respondent and would be requesting the Public Prosecutor to make appropriate applications before the learned Magistrate for withdrawal of those criminal cases.

(5). In our view, even if the Public Prosecutor files applications for withdrawal of cases, it is for the learned Magistrate to satisfy the request made in the application and then only permit the State to withdraw the cases filed against particular persons.

(6). In view of the above, in our opinion, the reliefs sought for in the writ petition need not be entertained by us. Accordingly, the writ petition requires to be rejected and it is rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.M.JOSEPH)
JUDGE

MS/DK